

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1 and 5. Claim 6 has been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-3, 5, and 6 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-3 and 5 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. Claims 1 and 5 have been amended to correct the antecedent basis problem in each claim. The remaining claims, 2 and 3 are rejected because of their dependency on rejected claim 1. Therefore, the allowance of claims 1-3 and 5 are respectfully requested.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-3 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ernam et al. (hereinafter Ernam) (US6097951). The Applicant respectfully traverses the rejection. Applicant has amended claims 1 and 5 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claim is respectfully requested.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Ernam fails to anticipate each and every limitation of claim 1. Therefore, claim 1 is not anticipated.

The Applicant's invention relates to a method of controlling a communication control entity. The communication control entity acts as a primary communication

control entity and is a part of a pool of communication control entities. When the primary communication control entity receives a request for adding a new secondary communication control entity (relay) to the overall control procedure, the primary control entity determines whether the requested new secondary communication control entity is a part of the pool or not. If it is a part of the pool, then the primary communication control entity establishes a direct connection to the access part without using another communication control entity as a relay (see abstract and page 10, line 32- page 11, line 2 of the Applicant's specification).

In contrast to the Applicant's invention, Ernam introduces a dispatcher MSC which is used in a pool of MSCs. Ernam discloses that the pool of MSCs communicate with the base station system through the special dispatcher MSC (see col. 6, lines 7-20 and FIG. 5). The dispatcher MSC is a resource broker which controls which entities within the MSC pool will handle the call. Ernam does not disclose using a primary communication control entity to establish a direct connection to the access part without using another communication control entity as a relay.

The Examiner stated that Ernam discloses that the primary communication control entity rejects the second secondary communication control entity and communication with the mobile communication device via an access control entity. The Applicant respectfully disagrees. In Ernam, the dispatcher MSC is used between the pool of MSCs and the BSS and merely acts as a resource broker, which distributes mobile subscribers among a pool of MSCs. The Applicant's invention utilizes a primary control entity which communicates with the mobile communication device. The Applicant's invention does not use any type of dispatcher MSC to distribute the subscribers with the MSCs. The primary control entity of the Applicant's invention is one of the pool of MSCs, rather than a separate entity (e.g., Dispatcher MSC) controlling all of the MSCs in the pool as disclosed in Ernam.

Ernam fails to disclose that a primary control entity, upon determining that a new secondary control entity is within the pool, communicates directly with the mobile communication via the access part. Furthermore, Ernam does not disclose communicating directly with the mobile communication device via an access part

without using another communication control entity as a relay. Therefore, Ernam does not anticipate claim 1. Claim 5 contains limitations analogous to claim 1 and also is not anticipated by Ernam. Claims 2 and 3 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 1-3 and 5 is respectfully requested.


Claim 6 has been added and contains limitations analogous to claim 1. Thus, Ernam also does not anticipate claim 6. Therefore, the allowance of claim 6 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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